



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4123

by Rep. Karen May

SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-32
30 ILCS 105/8h
525 ILCS 35/3

from Ch. 85, par. 2103

Amends the State Finance Act. Deletes a provision providing that the State Comptroller shall direct and the State Treasurer shall transfer \$1,000,000 from the Open Space Lands Acquisition and Development Fund to the Conservation 2000 Fund. Exempts monies in the Open Space Lands Acquisition and Development Fund and the Natural Areas Acquisition Fund from being transferred to the General Revenue Fund. Amends the Open Space Lands Acquisition and Development Act. Provides that the Department of Natural Resources shall make grants from specified funds to local governments as financial assistance, provided that 50% of each grant shall be paid within 60 days after its award and additional payments shall be made on a reimbursement basis, for specified projects. Provides that no more than one acquisition grant and 2 development grants shall be made to a single recipient during a fiscal year under the Act. Provides that a local government that the Department determines to be distressed is eligible for up to 90% State funding assistance if no more than 10% of the amount so appropriated in any fiscal year under this Act is made available for "distressed" local governments. Provides that maximum grant thresholds for acquisition and development must be increased in accordance with the Consumer Price Index-U on an annual basis. Defines "Consumer Price Index-U". Effective immediately.

LRB095 12762 CMK 38142 b

1 AN ACT concerning conservation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by changing
5 Section 6z-32 and 8h as follows:

6 (30 ILCS 105/6z-32)

7 Sec. 6z-32. Conservation 2000.

8 (a) The Conservation 2000 Fund and the Conservation 2000
9 Projects Fund are created as special funds in the State
10 Treasury. These funds shall be used to establish a
11 comprehensive program to protect Illinois' natural resources
12 through cooperative partnerships between State government and
13 public and private landowners. Moneys in these Funds may be
14 used, subject to appropriation, by the Environmental
15 Protection Agency and the Departments of Agriculture, Natural
16 Resources, and Transportation for purposes relating to natural
17 resource protection, recreation, tourism, and compatible
18 agricultural and economic development activities. Without
19 limiting these general purposes, moneys in these Funds may be
20 used, subject to appropriation, for the following specific
21 purposes:

22 (1) To foster sustainable agriculture practices and
23 control soil erosion and sedimentation, including grants

1 to Soil and Water Conservation Districts for conservation
2 practice cost-share grants and for personnel, educational,
3 and administrative expenses.

4 (2) To establish and protect a system of ecosystems in
5 public and private ownership through conservation
6 easements, incentives to public and private landowners,
7 including technical assistance and grants, and land
8 acquisition provided these mechanisms are all voluntary on
9 the part of the landowner and do not involve the use of
10 eminent domain.

11 (3) To develop a systematic and long-term program to
12 effectively measure and monitor natural resources and
13 ecological conditions through investments in technology
14 and involvement of scientific experts.

15 (4) To initiate strategies to enhance, use, and
16 maintain Illinois' inland lakes through education,
17 technical assistance, research, and financial incentives.

18 (5) To conduct an extensive review of existing Illinois
19 water laws.

20 (b) The State Comptroller and State Treasurer shall
21 automatically transfer on the last day of each month, beginning
22 on September 30, 1995 and ending on June 30, 2009, from the
23 General Revenue Fund to the Conservation 2000 Fund, an amount
24 equal to 1/10 of the amount set forth below in fiscal year 1996
25 and an amount equal to 1/12 of the amount set forth below in
26 each of the other specified fiscal years:

Fiscal Year	Amount
1996	\$ 3,500,000
1997	\$ 9,000,000
1998	\$10,000,000
1999	\$11,000,000
2000	\$12,500,000
2001 through 2004	\$14,000,000
2005	\$7,000,000
2006	\$11,000,000
2007	\$0
2008 through 2009	\$14,000,000

(c) (Blank) ~~Notwithstanding any other provision of law to the contrary and in addition to any other transfers that may be provided for by law, on the last day of each month beginning on July 31, 2006 and ending on June 30, 2007, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer \$1,000,000 from the Open Space Lands Acquisition and Development Fund to the Conservation 2000 Fund.~~

(d) There shall be deposited into the Conservation 2000 Projects Fund such bond proceeds and other moneys as may, from time to time, be provided by law.

(Source: P.A. 93-839, eff. 7-30-04; 94-91, eff. 7-1-05; 94-839, eff. 6-6-06.)

1 Sec. 8h. Transfers to General Revenue Fund.

2 (a) Except as otherwise provided in this Section and
3 Section 8n of this Act, and ~~(c), (d), or (e)~~, notwithstanding
4 any other State law to the contrary, the Governor may, through
5 June 30, 2007, from time to time direct the State Treasurer and
6 Comptroller to transfer a specified sum from any fund held by
7 the State Treasurer to the General Revenue Fund in order to
8 help defray the State's operating costs for the fiscal year.
9 The total transfer under this Section from any fund in any
10 fiscal year shall not exceed the lesser of (i) 8% of the
11 revenues to be deposited into the fund during that fiscal year
12 or (ii) an amount that leaves a remaining fund balance of 25%
13 of the July 1 fund balance of that fiscal year. In fiscal year
14 2005 only, prior to calculating the July 1, 2004 final
15 balances, the Governor may calculate and direct the State
16 Treasurer with the Comptroller to transfer additional amounts
17 determined by applying the formula authorized in Public Act
18 93-839 to the funds balances on July 1, 2003. No transfer may
19 be made from a fund under this Section that would have the
20 effect of reducing the available balance in the fund to an
21 amount less than the amount remaining unexpended and unreserved
22 from the total appropriation from that fund estimated to be
23 expended for that fiscal year. This Section does not apply to
24 any funds that are restricted by federal law to a specific use,
25 to any funds in the Motor Fuel Tax Fund, the Intercity
26 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid

1 Provider Relief Fund, the Teacher Health Insurance Security
2 Fund, the Reviewing Court Alternative Dispute Resolution Fund,
3 the Voters' Guide Fund, the Foreign Language Interpreter Fund,
4 the Lawyers' Assistance Program Fund, the Supreme Court Federal
5 Projects Fund, the Supreme Court Special State Projects Fund,
6 the Supplemental Low-Income Energy Assistance Fund, the Good
7 Samaritan Energy Trust Fund, the Low-Level Radioactive Waste
8 Facility Development and Operation Fund, the Horse Racing
9 Equity Trust Fund, or the Hospital Basic Services Preservation
10 Fund, or to any funds to which subsection (f) of Section 20-40
11 of the Nursing and Advanced Practice Nursing Act applies. No
12 transfers may be made under this Section from the Pet
13 Population Control Fund. Notwithstanding any other provision
14 of this Section, for fiscal year 2004, the total transfer under
15 this Section from the Road Fund or the State Construction
16 Account Fund shall not exceed the lesser of (i) 5% of the
17 revenues to be deposited into the fund during that fiscal year
18 or (ii) 25% of the beginning balance in the fund. For fiscal
19 year 2005 through fiscal year 2007, no amounts may be
20 transferred under this Section from the Road Fund, the State
21 Construction Account Fund, the Criminal Justice Information
22 Systems Trust Fund, the Wireless Service Emergency Fund, or the
23 Mandatory Arbitration Fund.

24 In determining the available balance in a fund, the
25 Governor may include receipts, transfers into the fund, and
26 other resources anticipated to be available in the fund in that

1 fiscal year.

2 The State Treasurer and Comptroller shall transfer the
3 amounts designated under this Section as soon as may be
4 practicable after receiving the direction to transfer from the
5 Governor.

6 (a-5) Transfers directed to be made under this Section on
7 or before February 28, 2006 that are still pending on May 19,
8 2006 (the effective date of Public Act 94-774) ~~this amendatory~~
9 ~~Act of the 94th General Assembly~~ shall be redirected as
10 provided in Section 8n of this Act.

11 (b) This Section does not apply to: (i) the Ticket For The
12 Cure Fund; (ii) any fund established under the Community Senior
13 Services and Resources Act; or (iii) on or after January 1,
14 2006 (the effective date of Public Act 94-511), the Child Labor
15 and Day and Temporary Labor Enforcement Fund.

16 (c) This Section does not apply to the Demutualization
17 Trust Fund established under the Uniform Disposition of
18 Unclaimed Property Act.

19 (d) This Section does not apply to moneys set aside in the
20 Illinois State Podiatric Disciplinary Fund for podiatric
21 scholarships and residency programs under the Podiatric
22 Scholarship and Residency Act.

23 (e) Subsection (a) does not apply to, and no transfer may
24 be made under this Section from, the Pension Stabilization
25 Fund.

26 (f) This Section does not apply to the Open Space Lands

1 Acquisition and Development Fund and the Natural Areas
2 Acquisition Fund created in the Open Space Lands Acquisition
3 and Development Act.

4 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
5 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
6 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
7 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.
8 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,
9 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;
10 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff.
11 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839,
12 eff. 6-6-06; revised 6-19-06.)

13 Section 10. The Open Space Lands Acquisition and
14 Development Act is amended by changing Section 3 as follows:

15 (525 ILCS 35/3) (from Ch. 85, par. 2103)

16 Sec. 3. From appropriations made from the Capital
17 Development Fund, Build Illinois Bond Fund or other available
18 or designated funds for such purposes, the Department shall
19 make grants to local governments as financial assistance,
20 provided that 50% of each grant shall be paid within 60 days
21 after its award and additional payments shall be made on a
22 reimbursement basis, for the capital development and
23 improvement of park, recreation or conservation areas, marinas
24 and shorelines, including planning and engineering costs, and

1 for the acquisition of open space lands, including acquisition
2 of easements and other property interests less than fee simple
3 ownership if the Department determines that such property
4 interests are sufficient to carry out the purposes of this Act,
5 subject to the conditions and limitations set forth in this
6 Act.

7 No more than 10% of the amount so appropriated for any
8 fiscal year may be committed or expended on any one project
9 described in an application under this Act. No more than one
10 acquisition grant and 2 development grants must be made to a
11 single recipient during a fiscal year under this Act.

12 Any grant under this Act to a local government, except as
13 provided in this Section, shall be conditioned upon the State
14 state providing assistance on a 50/50 matching basis for the
15 acquisition of open space lands and for capital development and
16 improvement proposals. A local government that the Department
17 determines to be distressed is eligible for up to 90% State
18 funding assistance if no more than 10% of the amount so
19 appropriated in any fiscal year under this Section is made
20 available for "distressed" local governments. Maximum grant
21 thresholds for acquisition and development must be increased in
22 accordance with the Consumer Price Index-U on an annual basis.
23 As used in this Section, "Consumer Price Index-U" means the
24 index published by the Bureau of Labor Statistics of the U.S.
25 Department of Labor, that measures the average change in prices
26 of all goods and services purchased by all urban consumers,

1 U.S. city average, all items, 1982-84=100.

2 (Source: P.A. 94-91, eff. 7-1-05.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.